

**LYNCHBURG CITY COUNCIL  
Agenda Item Summary**

MEETING DATE: **April 13, 2004**

AGENDA ITEM NO.: 10

CONSENT:

REGULAR: **X**

CLOSED SESSION:  
(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Rezoning – 3631 Old Forest Road, B-1 & R-3 to B-1 (Conditional)**

RECOMMENDATION: Approval of the requested rezoning petition.

SUMMARY: Thomas C. Brooks, Sr. of ACRES of Virginia is petitioning to rezone approximately 3.085 acres at 3631 Old Forest Road from B-1, Limited Business District and R-3, Two-Family Residential District to B-1, Limited Business District (Conditional) to allow the construction of an office complex. The Planning Division recommended approval of the rezoning because:

- Petition agrees with the *Comprehensive Plan* which recommends this area of Old Forest Road for Office Uses.
- Petition agrees with the Zoning Ordinance in that offices are a permitted use in a B-1, Limited Business District.

PRIOR ACTION(S):

March 24, 2004: Planning Division recommended approval of the rezoning.  
Planning Commission waived the 21 day submittal requirement for proffers.  
Planning Commission recommended approval 5-0 (with 2 members absent) of the rezoning. The petitioner offered the following additional proffers at the Planning Commission meeting.

1. We further proffer that unless a secondary means of ingress and egress can be provided, through adjoining property owners, the total square footage of Phase II development will be limited to 9,800 square feet.
2. We further proffer to have southern ends of parking areas connected east to west as to provide for vehicular circulation.

FISCAL IMPACT: N/A

CONTACT(S):

Rachel Flynn / 455-3902

Tom Martin / 455-3909

ATTACHMENT(S):

- Ordinance
- PC Report
- PC minutes
- Site plan

REVIEWED BY: lkp

## ORDINANCE

AN ORDINANCE CHANGING A CERTAIN AREA FROM B-1, LIMITED BUSINESS DISTRICT AND R-3, TWO-FAMILY RESIDENTIAL DISTRICT TO B-1, LIMITED BUSINESS DISTRICT (CONDITIONAL).

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LYNCHBURG That in order to promote the public necessity, convenience, general welfare, and good zoning practice that Chapter 35.1 of the Code of the City of Lynchburg, 1981, as amended, be and the same is hereby further amended by adding thereto Section 35.1-76.\_\_\_\_, which section shall read as follows:

Section 35.1-76.\_\_\_\_. Change of a certain area from B-1, Limited Business District and R-3 Two Family Residential District to B-1, Limited Business District (Conditional).

The area embraced within the following boundaries . . .

Commencing at the Point of Beginning; thence from the beginning of right curve from which the radius point bears South 37° 41' 01" East, northeasterly a distance of 132.69 feet along the curve concave to the southeast, having a radius of 924.93 feet and a central angle of 8°13'11"; thence South 33° 34' 06" East, a distance of 213.29 feet; thence North 56° 49' 26" East, a distance of 121.78 feet; thence South 34° 19' 06" East, a distance of 330.16 feet; thence North 56° 25' 56" East, a distance of 217.91 feet; thence South 35° 30' 05" East, a distance of 49.81 feet; thence South 56° 25' 56" West, a distance of 469.17 feet; thence North 34° 26' 43" West, a distance of 594.10 feet to the Point of Beginning. Containing 3.085 ACRES.

. . . is hereby changed from B-1, Limited Business District and R-3, Two Family Residential District to B-1, Limited Business District (Conditional), subject to the conditions setout herein below which were voluntarily proffered in writing by the owner, namely: J. B. Mehaffey, Estate, Hazel Whorley, Executrix, to wit:

1. Uses permitted by right as regulated in the adjacent residential district of highest density.
2. Barber shops and beauty parlors.
3. Branch banks and branch offices of savings and loan associations, including incidental drive-in service windows for such types of businesses.
4. Boardinghouses or lodging houses. *(Deleted)*
5. Care center.
6. Churches and other places of worship.
7. Clubs and fraternal organizations.
8. Computer centers.
9. Convalescent and nursing homes. *(Deleted)*
10. Convents and monasteries. *(Deleted)*
11. Dance studios.
12. Funeral homes and undertaking establishments. *(Deleted)*
13. Group homes. *(Deleted)*
14. Halls or theaters for music, drama, lectures or other civic or amateur presentations of the arts.

15. Libraries, museums and similar institutions of noncommercial nature.
16. Offices, provided that no merchandise, material or equipment is stored or kept on the premises, either inside or outside of the building, for sale demonstration or repair.
17. Parking of passenger automobiles, not including trailers, trucks or buses, on open lots for transient occupancy, for which fees may be charged; however, automobiles sales will not be permitted on such lots, nor shall any floodlights, or similar device, be used for illumination, except shaded lights sufficient for safety and illuminating only the lot itself may be used, provided, the source of light is not visible beyond the property line.
18. Police stations, fire stations and public offices providing decentralized services surrounding residential areas. *(Deleted)*
19. Telephone exchanges and dial centers.
20. Tourist homes or bed and breakfast. *(Deleted)*
21. Rooming houses. *(Deleted)*
22. Schools for general education that do not exceed a maximum enrollment of twenty-five (25) students.

Permitted accessory uses. The following uses will be permitted as accessory to principal uses in limited commercial districts as regulated by Section 35.1-24 of the zoning ordinance.

1. Uses permitted and as regulated as accessory uses in the adjacent residential district of the highest density.
2. Off-street parking lots or structures under the regulations of Section 35.1-25 and Article X of the zoning ordinance.
3. Signs, as permitted herein.
4. Pharmacies within buildings occupied by and incidental to medical and dental offices.
5. Food service facilities for use of persons regularly employed in permitted uses, where such facilities are included within the building served.

Uses permitted by conditional use permit. The following uses shall be permitted by conditional use permit in limited business districts (B-1) under the regulations of Section 35.1-15 and Article X of the zoning ordinance.

1. Hospitals and sanatoriums.
2. Public utilities.
3. Cluster commercial development.
4. Schools and colleges for general education with a total enrollment of twenty-five (25) students.

We further hereby proffer to eliminate any use of a 50' strip of land at the rear of the property that runs from Primrose Lane, a distance of 217.91 feet. This strip will not be used for any road or driveway ingress or egress.

We hereby proffer to limit the office building at the north end of the property to a two and one half (2 ½) story building and the building at the south end of the property to a one (1) story building.

We further proffer that the exterior features of the building will be vinyl siding and split face block.

We further proffer that unless a secondary means of ingress and egress can be provided, through adjoining property owners, the total square footage of Phase II development will be limited to 9,800 square feet.

We further proffer to have southern ends of parking areas connected east to west as to provide for vehicular circulation.

And the Director of Community Planning and Development shall forthwith cause the “Official Zoning Map of Lynchburg, Virginia,” referred to in Section 35.1-4 of this chapter to be amended in accordance therewith.

Adopted:

Certified:

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Clerk of Council

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The Department of Community Planning & Development  
City Hall, Lynchburg, VA 24504 434-455-3900

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**To:** Planning Commission  
**From:** Planning Division  
**Date:** March 24, 2004  
**Re:** **REZONING: 3631 Old Forest Rd., B-1, Limited Business District and R-3, Two-Family Residential District to B-1, Limited Business District (Conditional)**

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**I. PETITIONER**

Mr. Robert Dawson, Dawson Ford Garbee & Co., 3715 Old Forest Rd., Lynchburg, VA 24501  
**Representative:** Mr. Thomas C. Brooks, ACRES of VA., 404 Clay St., Lynchburg, VA 24504

**II. LOCATION**

The subject property is a tract of approximately 3 acres located at 3631 Old Forest Rd.  
**Property Owner:** J.B. Mehaffey, Estate, Hazel Whorley, 3625 Old Forest Rd., Lynchburg, VA 24501

**III. PURPOSE**

The purpose of the petition is rezone approximately three (3) acres at 3631 Old Forest Rd. from B-1, Limited Business District and R-3, Two-Family Residential District to B-1, Limited Business District (Conditional) to allow the construction of an office complex.

**IV. SUMMARY**

- Petition agrees with the Comprehensive Plan which designates this area of Old Forest Rd. for Office Uses.
- Petition agrees with the Zoning Ordinance in that offices are a permitted use in a B-1, Limited Business District.

**The Planning Division recommends approval of the rezoning petition.**

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**V. FINDINGS OF FACT**

1. **Comprehensive Plan.** The Lynchburg *Comprehensive Plan* recommends that this area of Old Forest Rd. be developed for Office use. The Future Land Use Map (FLUM) does show a break in the Office use in the vicinity of the subject property and indicates a Low Density Residential Use. However, the FLUM is not intended to be parcel specific, and the future use of the property for residential purposes is unlikely.
2. **Zoning.** The subject property was annexed into the City in 1976, and was zoned B-1, Limited Business District and R-3, Two-Family Residential District when the current Zoning Ordinance was adopted in 1978.
3. **Proffers.** The petitioner voluntarily submitted the following proffers with the rezoning application:
  - The following uses will be permitted by right subject to the regulations of the zoning ordinance, including those specific uses in Article X of the zoning ordinance.
    1. Uses permitted by right as regulated in the adjacent residential district of highest density.
    2. Barber shops and beauty parlors.
    3. Branch banks and branch offices of savings and loan associations, including incidental drive-in service windows for such types of businesses.
    4. Boardinghouses or lodging houses. (*Deleted*)
    5. Care center.
    6. Churches and other places of worship.
    7. Clubs and fraternal organizations.
    8. Computer centers.
    9. Convalescent and nursing homes. (*Deleted*)

10. Convents and monasteries. *(Deleted)*
  11. Dance studios.
  12. Funeral homes and undertaking establishments. *(Deleted)*
  13. Group homes. *(Deleted)*
  14. Halls or theaters for music, drama, lectures or other civic or amateur presentations of the arts.
  15. Libraries, museums and similar institutions of noncommercial nature.
  16. Offices, provided that no merchandise, material or equipment is stored or kept on the premises, either inside or outside of the building, for sale demonstration or repair.
  17. Parking of passenger automobiles, not including trailers, trucks or buses, on open lots for transient occupancy, for which fees may be charged; however, automobiles sales will not be permitted on such lots, nor shall any floodlights, or similar device, be used for illumination, except shaded lights sufficient for safety and illuminating only the lot itself may be used, provided, the source of light is not visible beyond the property line.
  18. Police stations, fire stations and public offices providing decentralized services surrounding residential areas. *(Deleted)*
  19. Telephone exchanges and dial centers.
  20. Tourist homes or bed and breakfast. *(Deleted)*
  21. Rooming houses. *(Deleted)*
  22. Schools for general education that do not exceed a maximum enrollment of twenty-five (25) students.
- Permitted accessory uses. The following uses will be permitted as accessory to principal uses in limited commercial districts as regulated by Section 35.1-24 of the zoning ordinance.
    1. Uses permitted and as regulated as accessory uses in the adjacent residential district of the highest density.
    2. Off-street parking lots or structures under the regulations of Section 35.1-25 and Article X of the zoning ordinance.
    3. Signs, as permitted herein.
    4. Pharmacies within buildings occupied by and incidental to medical and dental offices.
    5. Food service facilities for use of persons regularly employed in permitted uses, where such facilities are included within the building served.
  - Uses permitted by conditional use permit. The following uses shall be permitted by conditional use permit in limited business districts (B-1) under the regulations of Section 35.1-15 and Article X of the zoning ordinance.
    1. Hospitals and sanatoriums.
    2. Public utilities.
    3. Cluster commercial development.
    4. Schools and colleges for general education with a total enrollment of twenty-five (25) students.
  - We further herby proffer to eliminate any use of a 50' strip of land at the rear of the property that runs from Primrose Lane a distance of 217.91 feet. This strip will not be used for any road or driveway ingress or egress.
  - We hereby proffer to limit the office building at the north end of the property to a two and one half (2 ½) story building and the building at the south end of the property to a one (1) story building.
  - We further proffer that the exterior features of the building will be vinyl siding and split face block.

4. **Board of Zoning Appeals (BZA).** The Zoning Official has determined that no variances will be needed for the development of the property as proposed.
5. **Previous Actions.** The following items in the area have required City Council approval:
  - On February 12, 1980, the City Council approved the Conditional Use Permit petition of Old Forest Rd. Baptist Church, to allow a day care center at 3630 Old Forest Rd.
  - On April 8, 1980, the City Council approved the Conditional Use Permit petition of Old Forest Rd. Baptist Church, to allow the construction of an education building at 3630 Old Forest Rd.
  - On December 9, 1980, the City Council approved the Conditional Use Permit petition of Old Forest Rd. Baptist Church, to allow the construction of an athletic field at 3630 Old Forest Rd.
  - On June 13, 1989, the City Council approved the Conditional Use Permit petition of Creeper Crawler Cribbery, to allow the construction of a building addition, play area and parking lot at 3601 Old Forest Rd.
  - On July 14, 1992, the City Council approved the Conditional Use Permit petition of Old Forest Rd. Baptist Church, to allow the construction of a parking area at 3630 Old Forest Rd.
  - On April 14, 1998, the City Council approved the rezoning petition of Thomas J. Gerdy, to rezone the property at 3622 Old Forest Rd., from R-5, Multi-Family Residential District to B-3, Community Business District (Conditional) to allow the construction of a retail outlet.
  - On April 13, 1999, the City Council approved the Conditional Use Permit petition of Milton and Neal, to allow the construction of a parking area at 3701 Old Forest Rd.
6. **Site Description.** The subject property is bounded to the north by an institutional use, to the south and east by residential uses and to the west by an office use and vacant land.
7. **Proposed Use of Property.** The purpose of the rezoning is to allow the construction of an office complex and associated parking areas.
8. **Traffic and Parking.** The City Traffic Engineer's only comment of concern is related to site distance from the proposed entrance along Old Forest Rd. The submitted site plan indicates a site distance of 275 feet to the west and 1000 feet to the east. The minimum site distance that is acceptable to the City Traffic Engineer is 350 feet. This would require the movement of the proposed entrance to the east and can be accomplished prior to final site plan approval.

Section 35.1-25, Off-street parking and loading, of the Zoning Ordinance requires that 1 parking space be provided for every 300 square feet of floor area for office uses. The submitted site plan indicates a total of 110 parking spaces which is in excess of the 100 required parking spaces.

9. **Stormwater Management.** A stormwater management plan will be required for the building and parking additions because disturbed areas will exceed 1,000 square feet. Storm water management will be addressed by using underground detention and "Best Management Practices" (BMP's). A stormwater management plan will be required prior to final site plan approval.
10. **Impact.** The petition proposes to rezone the property from B-1, Limited Business District and R-3, Two-Family Residential District to B-1, Limited Business District (Conditional) to allow the construction of two office buildings and associated parking. The portion of the property that is currently zoned R-3, Two-Family Residential District will be difficult to develop as a residential use. A subdivision would be required and the property would not meet the minimum street frontage requirement of sixty (60) feet.

The petitioner has voluntarily proffered to restrict access to Primrose Lane. This proffer will eliminate traffic associated with the commercial use from using this residential street as a thoroughfare.

The submitted site plan indicates that the proposed building closest to the adjacent residentially zoned properties will be one-story. This along with appropriate design, building materials and the required evergreen buffer will facilitate the transition between commercial and residential property. Impacts from the proposed development should be minimal.

11. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the preliminary site plan on March 2, 2004. Comments related to the proposed use were minor in nature and have or will be addressed by the developer prior to final site plan approval.
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## **VI. PLANNING DIVISION RECOMMENDATION**

**Based on the preceding Findings of Fact, the Planning Commission recommends to the City Council approval of the petition of Dawson Ford Garbee & Company to rezone approximately 3 acres at 3631 Old Forest Road from B-1, Limited Business District and R-3, Two-Family Residential District to B-1, Limited Business District (Conditional).**

This matter is respectfully offered for your consideration.

William T. Martin, AICP  
City Planner

pc: Mr. L. Kimball Payne, III, City Manager  
Mr. Walter C. Erwin, City Attorney  
Ms. Rachel O. Flynn, Director of Community Planning & Development  
Mr. Bruce A. McNabb, Director of Public Works  
Mr. R. Douglas Dejarnette, Fire Marshal  
Ms. Judith C. Wiegand, Senior Planner  
Mr. J. Lee Newland, Director of Engineering  
Mr. Gerry L. Harter, Traffic Engineer  
Mr. Karl Cooler, Building Commissioner  
Mr. Arthur L. Tolley, Zoning Official  
Mr. Robert S. Fowler, Zoning Official  
Mr. Kent White, Environmental Planner  
Mr. Robert Dawson, Dawson Ford Garbee & Co., Petitioner  
Mr. Thomas C. Brooks, Sr., ACRES of Virginia, Representative

## **VII. ATTACHMENTS**

- 1. Vicinity Zoning Pattern**  
(see attached map)
- 2. Vicinity Proposed Land Use**  
(see attached map)
- 3. Site Plan**  
(see attached site plans)



MINUTES FROM THE MARCH 24 PLANNING COMMISSION MEETING  
THESE MINUTES HAVE NOT BEEN REVIEWED OR APPROVED BY THE COMMISSION

Petition of Thomas C. Brooks, Sr. of Acres of Virginia to rezone approximately 3.085 acres at 3631 Old Forest Road from R-3, Medium Density Residential, and B-1, Limited Business, to B-1(C), Limited Business (Conditional) to allow the construction of an office complex.

Mr. Tom Martin, City Planner, explained that this petition was to rezone an approximate three (3) acre parcel from B-1 Limited Business district and R-3 Two-Family Residential District to B-1 (Conditional) Limited Business District. He said the submitted site plan indicates that two office buildings would be constructed, with the building closest to Old Forest Road proposed to be a two and a half story 15,400 square foot building, and the building further away from Old Forest Road proposed to be a one-story, 14,700 square feet. He continued by saying that the submitted proffers indicated that the two buildings would be constructed from split-face block and vinyl. He added that the 110 parking spaces shown on the site plan was more than what the City Code required. Mr. Martin explained that the petitioner proffered not to create a vehicular access to Primrose Lane. He explained that the Traffic Engineer, Mr. Gerry Harter, had concerns with the proffer and requested that the Commission consider keeping that access open for future development and traffic concerns. He added that Mr. Harter also had concerns about the sight distance onto Old Forest Road. Mr. Martin said that Mr. Harter's request to keep the Primrose Lane access open was understood, but added that the Planning Division had its own concerns about routing commercial traffic through a residential area. He told the Commission that a representative for the petitioner met on site with the Traffic Engineer and agreed to relocated the entrance to the east side of the property. He added that even though there were still concerns with sight distance, the representative had done everything possible to improve that situation. Mr. Martin explained that sanitary sewer would be available from an extension south of the site, and stormwater would be handled by means of an underground detention pond. The future land use map indicated that this area was designated for single-family residential use; however, he said, the Planning Division felt that this was an illogical land use for property fronting Old Forest Road. Mr. Martin concluded by saying that the Planning Division did recommend approval of this rezoning.

Mr. Thomas Brooks, Sr., Acres of Virginia, Inc., addressed the Planning Commission saying that he represented the petitioner. He explained that the plan was for a two and a half story office building for Dawson Ford Garbee Realtors, and pointed out that there would be paved parking in the front, rear, and along the side of the building. He told the Commission that the portion of the site behind the proposed realtor's office was designated for future development, but the petitioner had no plans for that development. Mr. Brooks said the purpose of this petition was to purchase the property, but before the deal was complete the petitioner wanted to be sure the property could be rezoned so it could be used at a later time if he chose to do so. He added that they had submitted a proffer eliminating any access from the back of the property onto Primrose Lane. He said stormwater sediment would be controlled through a sediment basin and the final stormwater would be handled through underground detention on the back portion of the property. He said there would be curb and gutter along the boundaries of the parking lots with storm drop inlets to carry the water to the underground detention. Mr. Brooks told the Commission that in a previous meeting Mr. Martin indicated that the City Traffic Engineer, Mr. Gerry Harter, had concerns about the location of the entrance to this site. When they met on site, Mr. Brooks explained, he and Mr. Harter decided to move the entrance to the other side of the property, virtually flipping the plan over providing more sight distance. He explained that the parking lot for the building next to the subject site was along the front of the lot, which had been allowed by Bedford County before the property was annexed by the City in 1976, thus limiting the sight distance for the proposed site. Mr. Brooks said he had a letter from Mr. Harter stating that everything had been done to improve the sight distance entering Old Forest Road from the proposed project's parking lot. He added that the standard sight distance was ten times the speed limit, which would be 350 feet according to VDOT, and there was approximately 290 feet of sight distance along this property. Mr. Brooks said the sewer on the front portion of the property would be served by a manhole, and would be pumped to that manhole on its way into the City system.

Mrs. Mary Ellen Boger, 105 Primrose Lane, Lynchburg, addressed the Commission by explaining that her concern with the development was the drainage. She said that most of the runoff in the area drained onto her

property. She asked about the plans for the 50 foot strip of land adjoining her property on Primrose Lane, and about the landscaping between her property and the proposed one-story building.

Mr. Brooks explained that the runoff from the property would be contained in a silt pond, and there would be underground water storage which would eventually drain into a nearby stream. He said none of the runoff would be dumped onto Mrs. Boger's property. Mr. Brooks said the strip of land along Mr. Boger's property was proffered to remain as it currently is. He said they were required to keep a 50 foot buffer from the light to the building, and there was currently 85 feet between the two. He said there would be an evergreen buffer along the parking lot that would be five feet in height when planted.

Mrs. Joan Burnham, 237 Burnham Lane, explained that she owned property on Hollywood Drive. Mrs. Burnham asked if the buffer would be planted prior to developing the back portion of the property or after the property was developed.

Mr. Brooks said the buffer would not be put in until the property was developed because of possible damage to the buffer during construction.

Mr. Mark Bradshaw, 101 Primrose Lane, asked how many feet were between the proposed site and his property. He said he was neither for nor against the project.

Mr. Brooks said there was approximately 20 feet between Mr. Bradshaw's B-1 zoned property, but there only had to be 8 feet between the property. He added that there were 129 parking spaces.

Chair Dahlgren asked Mr. Brooks if he had talked to any of the neighbors about the project.

Mr. Brooks said he did not meet with the neighbors, but they had been notified by the City. He said he had not received any phone calls or comments concerning the petition.

Mr. Martin said there were a couple of phone calls to the Planning Division from people concerned about the 50 foot strip going to Primrose Lane.

Commissioner Flint asked where the parking would stop if only one building were constructed, and he asked if the second building were built would each unit be stepped down

Mr. Brooks said the parking would be cut off at a point, but the silt pond would still have to be build for the first phase of the construction. He added that each unit of the second building would be stepped down approximately one foot. However, he said, he had met with the petitioner several times, but there had never been plans to develop the back portion of the lot.

Commissioner Worthington asked about the construction of the parking lot.

Mr. Brooks said there was ample space for parking, and spaces could actually be deleted if there were concerns. He said since the neighbor's property was zoned B-1, parking only needed to be eight feet away from the property line.

Mr. Bradshaw said he did not have a problem with the parking being that close to his property.

Commissioner Hamilton asked if there would be a buffer along the property lines.

Mr. Brooks explained that there were no plans for a buffer between the property lines. He said there would be curb and gutter with landscaping throughout the lots.

Commissioner Bacon asked about the sewage.

Mr. Brooks said they would apply to the City for a sewer extension and a manhole, which the petitioner would pay for. He explained that the sewage would be pumped up to the manhole then it would flow by gravity down through another other sewer line.

Commissioner Flint asked about the shape of the entrance not being straight.

Mr. Brooks said there was a power pole at the entrance to the site which forced the entrance to be curved. He said it would be cost prohibitive to move the pole due to the number of wires attached.

Commissioner Pulliam asked if there was any consideration to build a driveway behind the YWCA and the Lynchburg Board of Realtors in order to enter Old Forest Road at the signal light.

Mr. Brooks said there had not been any consideration to construct a driveway behind those two businesses.

Commissioner Pulliam said it may not be a large problem if only the first building was built, but if the second building was constructed, then there would be a major traffic problem. He said apparently the developer had chosen not to connect with Primrose Lane.

Mr. Martin explained that the Planning staff had concerns with directing commercial traffic through Primrose Lane, which was a residential neighborhood. After some conversations with the City Traffic Engineer, he said, the Planning staff concurs that the best possible scenario would be to actually leave that option open, but have it per the review of the Traffic Engineer and possibly the City Planner. He added that traffic would be a concern with Phase II, but they did not want high volumes of traffic going through a residential neighborhood unless absolutely necessary.

Commissioner Pulliam said he agreed with Mr. Martin, but directing traffic through Primrose Lane was an alternative. He said it seemed that there should be a plan in place before Phase I was approved.

Mr. Bradshaw said Primrose Lane was narrow and he would be willing to work out a deal with the petitioner to devise a plan for safer traffic flow.

Chair Dahlgren asked if the front building was designated for use by the realtors only. He said it looked like it would be difficult for cars, as well as emergency vehicles, to turn around and exit the lot. He asked if there were fire hydrants near by, and asked if a berm on the front of the property would limit the sight distance.

Mr. Brooks said only realtors would be occupying the front building. He said vehicles would have to turn around then exit the site the same way they came in. He added that the proposed parking did meet the requirements for angled parking with a twenty-four foot travel land and eighteen feet for parking. Mr. Brooks said there were two fire hydrants near the property. He said the berm at the front of the site was approximately two foot high, which was a requirement of the City Horticulturalist, but the plantings were low enough so as not to obstruct the view of cars exiting the site.

Chair Dahlgren asked Mr. Harter if it would be an advantage to have a designated entrance and a designated exit, or an alternate way to get in and out of the area.

Mr. Harter said when he met on site with Mr. Brooks, they became concerned that there would be only one access if Phase II was ever completed. He said he suggested to the City Planner that the petitioner have the option of opening the access on Primrose Lane, even though it was not the best street to direct business traffic through. He added that they did review the YWCA site for a shared access across the front of their property, but there was not enough room to do so. He said they did not look further down the site where the Realtors Association was located.

Commissioner Worthington said the only way to avoid Primrose Lane was to develop a joint driveway with the YWCA and the Lynchburg Board of Realtors to enter Old Forest Road at Wiggington Road. He added that the City could not mandate that joint driveway.

Mr. Martin reviewed the Planning Commission's concern suggesting that prior to Phase II being constructed, a secondary means of ingress/egress be provided. He said his opinion was that Primrose Lane was the last resort for the second access to the site. However, he said, a total of four houses zoned residential would be affected and the possibility of one property zoned commercial, which is being used residentially. He added that even though the City did not like the Primrose Lane option, but maybe prior to Phase II they could work out a secondary means of ingress/egress.

Chair Dahlgren said since the Commission could not force the petitioner to submit such a proffer, they could postpone the meeting until the situation was evaluated.

Mr. Brooks said he did not have a problem talking to the owners of the businesses, but thought they would not be agreeable to such a suggestion. He added that they could just develop the front portion of the property and not rezone the back portion.

Mr. Martin said some concerns could be alleviated if a proffer was offered stating that prior to the development of Phase II, a secondary means of ingress/egress would be provided.

Mr. Brooks said they did not want the development to be limited if they could not gain access from the two adjoining businesses onto Wiggington Road.

Chair Dahlgren said they wanted to strongly encourage a proffer, or postpone the decision giving the petitioner and representative time to evaluate other possibilities.

Mr. Brooks said from talking to his client prior to this meeting he did not think he would be willing to go to any expense to get this property rezoned. He said if the property does not get rezoned, he thinks the business will be built in Bedford County, where the petitioner owns another piece of property. Mr. Brooks said they did not even want to show the second building on the site plan, but the Planning Department asked that he show the second building for potential development. He said the first plan he submitted, he showed nothing on the back portion of the property.

Mr. Dahlgren said even if the second building was not developed, there was a concern of getting in and out of the site.

Mr. Brooks said he understood the concern, but suggested to Mr. Harter that they have the option to use the strip of land to get onto Primrose Lane. He added that the Planning Department did not want traffic to have access to Primrose Lane, which was why they submitted the proffer eliminating business traffic. He said he did not think the petitioner would want to negotiate with two property owners to gain access to their property then have to pay for the installation of a driveway. Mr. Brooks added that if they eliminated some of the units in the second building they could construct 35 less parking spaces, which would lessen the traffic in and out of the site. He said if the Commission was uncomfortable with the petition as it was currently, then maybe the petition should be postponed until he could talk with the client.

Commissioner Bacon asked if they construct fewer units could they build a "U" driveway to eliminate the need for people having to backup to turn around.

Mr. Brooks said he did not think the petitioner would have a problem with the "U" driveway and eliminating four units.

Commissioner Pulliam said relocating the utility pole on Old Forest Road would also help the situation at the entrance to the site.

Mr. Brooks said they did not have to relocate the pole.

Commissioner Pulliam said he was aware that the pole did not have to move, but it would enhance the site if it were moved.

Mr. Harter said moving the pole would not be much of an advantage nor would there be much of an increase in the site distance.

Commissioner Worthington asked if the entrance/exit to the site would have turn lanes or just one lane in and one lane out.

Mr. Brooks said there would be one lane in and one lane out. He said if they added turn lanes they would have to add another twelve feet to the driveway, which would make for an awkward entrance into the site.

Chair Dahlgren summarized that Mr. Brooks was willing to eliminate some of the units in the second building in order to make room for a "U" turn toward the back of the site. Also, that Mr. Brooks would be willing to proffer that when construction on Phase II began an evaluation would be made for a second access way in to and out of the property. He said the City would assist Mr. Brooks in talking to the adjoining property owners to work out a deal allowing a driveway to be constructed across their property to exit on to Old Forest Road at the Wiggington Road signal light.

Mr. Brooks said he did not have a problem with Chair Dahlgren's summary.

Mr. Martin said he would feel more comfortable limiting the square footage of the Phase II building if a secondary means of ingress and egress did not come about. He described the options as:

- provide a secondary means of ingress/egress or do not build the second building,
- provide a secondary means of ingress/egress and build the second building, or
- if the secondary means of ingress/egress was not obtainable, limit the amount of square footage of Phase II.

Mr. Brooks said he did not have a problem with those scenarios.

Mr. Martin asked Mr. Harter if he was comfortable with these scenarios.

Mr. Harter said he was not sure how many trips would be generated by the usage of the second building, and added that this was a very intense use of the site only to have one entrance/exit as currently proposed. Obviously, he said, if the intensity was taken away by making the second building smaller, it would improve the situation.

Commissioners agreed that the size of the second building should be decreased by one-third.

\*NOTE: Commissioner Pulliam was not present to vote on the following motions.

After discussion Commissioner Flint made the following motion, which was seconded by Commissioner Worthington and passed by the following vote:

"That the Planning Commission waive the 21-day submittal requirement of Section 35.1-43.1 of the Zoning Ordinance to accept proffers submitted by Thomas C. Brooks, Sr. of Acres of Virginia to rezone approximately 3.085 acres at 3631 Old Forest Road from R-3, Medium Density Residential, and B-1, Limited Business, to B-1(C), Limited Business (Conditional) to allow the construction of an office complex."

AYES:	Bacon, Dahlgren, Flint, Hamilton, Worthington	5
NOES:		0
ABSTENTIONS:		0

After discussion Commissioner Worthington made the following motion, which was seconded by Commissioner Flint and passed by the following vote:

“That the Planning Commission recommends to the City Council approval of the petition of Dawson Ford Garbee & Company to rezone approximately 3 acres at 3631 Old Forest Road from B-1, Limited Business District and R-3, Two-Family Residential District to B-1, Limited Business District (Conditional).”



AYES:	Bacon, Dahlgren, Flint, Hamilton, Worthington	5
NOES:		0
ABSTENTIONS:		0

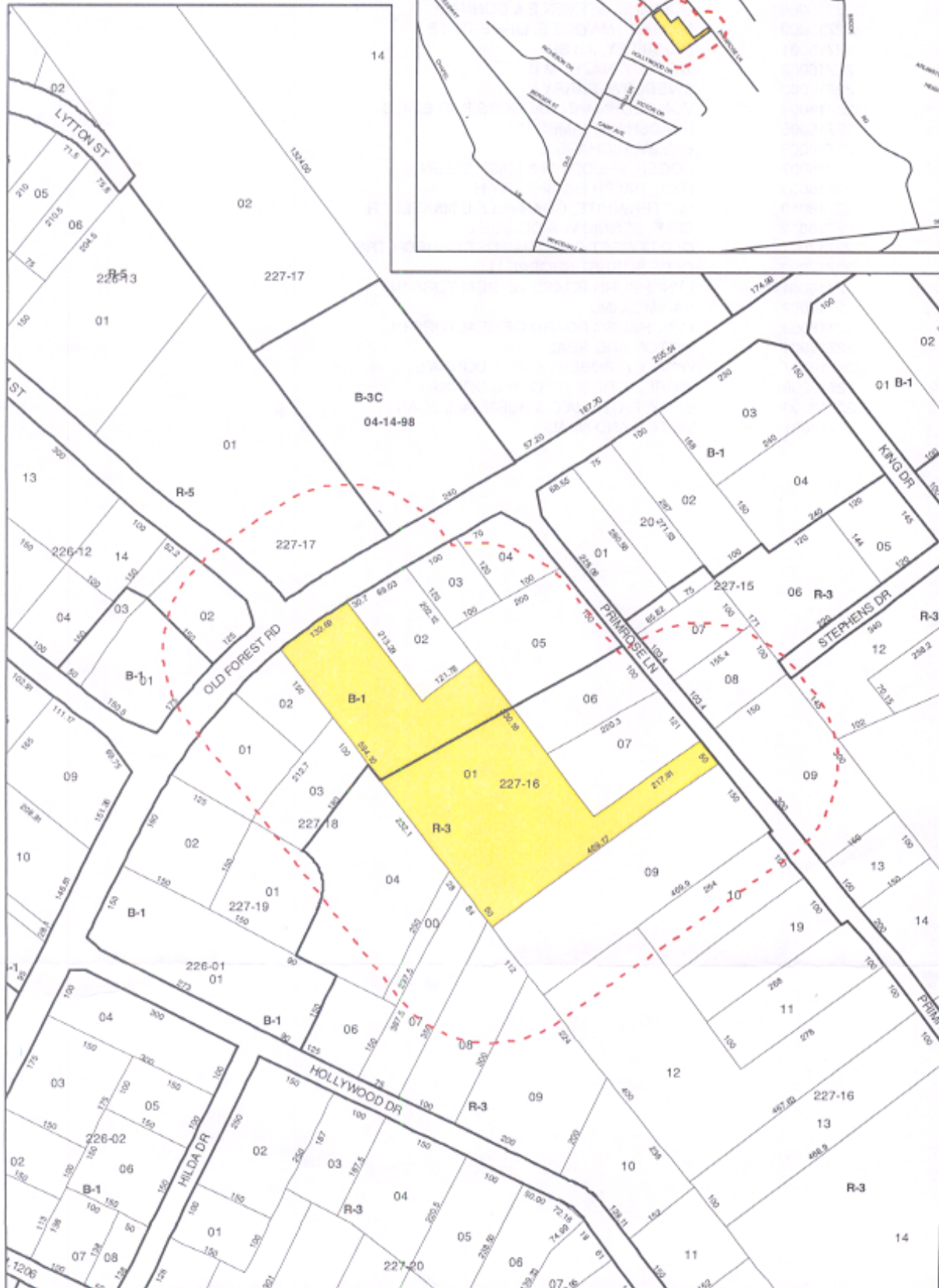
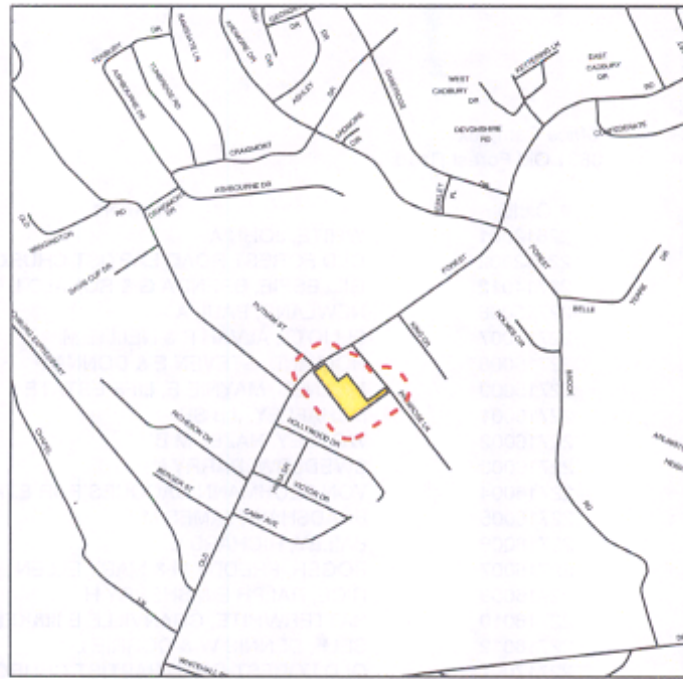
# OFFICE COMPLEX

3631 Old Forest Road  
Val. Map # 227-16-001  
Rezoning Request from R-3 & B-1 to B-1C  
Petitioner: Dawson, Ford & Garbee

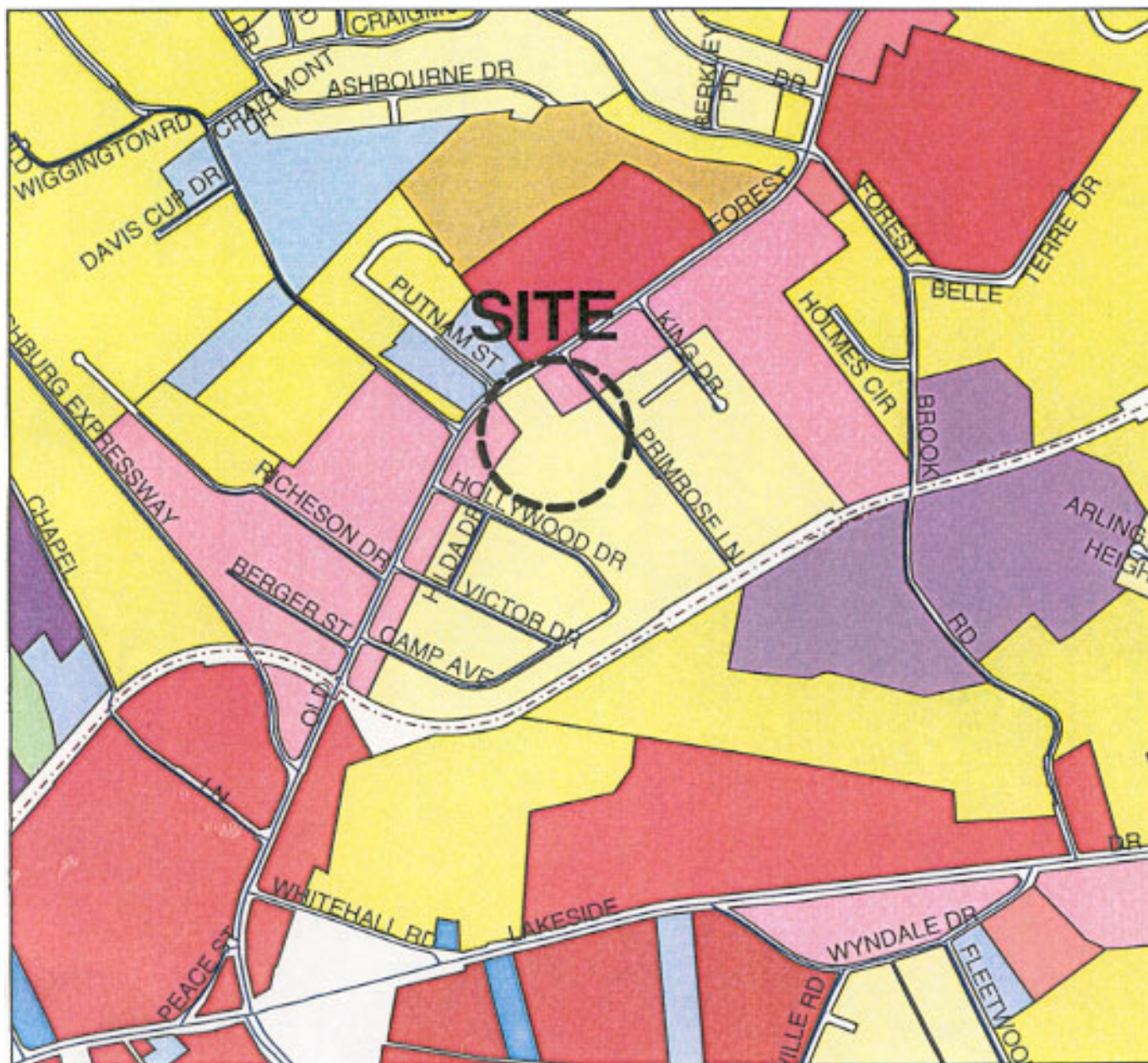
MAP PREPARED BY  
THE DEPARTMENT OF COMMUNITY PLANNING & DEVELOPMENT



-  Subject Property
-  200 ft Radius







# OFFICE COMPLEX

## 3631 OLD FOREST ROAD

### LAND USE PLAN

